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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,040	03/30/2001	Kelly Ervin Sonderegger	56932.000005	5143

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RESTON, VA 20190

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,040

Applicant(s)

SONDEREGGER ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Applicant amended independent Claims 1 and 6 and newly added Claims 11-15. All pending claims (1-15) were examined in this final Office Action necessitated by amendment.

Response to Arguments

Rejection under 35 USC 102(e)

Applicant's arguments filed 05 May 2004 have been fully considered but they are not persuasive.

The Applicant argued the following pertaining to Claims 1-10:

Brody fails to teach or suggest concurrently displaying an anonymous user interface along with a transaction interface:

Brody discloses the use of web pages for anonymous user as previously cited and further discloses the use of pop-up interactive applets or payment panel that provide concurrent displaying of the merchants web page and the automatic transaction server applet. Pop-up applet or payment panel provides options (see at least page 7, 0048-0049).

Newly added system Claims 12-15

The Applicant argued the following pertaining to newly added independent Claim 11 and dependent Claims 12-15:

Brody does not disclose a first profile that is stored locally on a user terminal and that includes user data:

Rejection under 35 USC 103(a) (Brody in view of Nelson) teach or suggest storing user profile information in a user's terminal. Brody teaches the use of browser cookies to store information to identify the user to a remote system, and further teaches storing the cookie information in the user's terminal. Nelson teaches electronic shopping, anonymous payment, the ubiquitous use of browser cookies in electronic communications, and further teaches cookie information stored on a user's terminal containing user credit information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-5 are rejected under 35 USC 102(e) as being anticipated by
Brody et al. (Paper #5, patent application publication 2001/0029485).**

Brody et al. teach all the limitations of Claims 1-5. For example, Brody et al. disclose a method for enabling a user to transact an anonymous online purchase and payment (please see at least abstract; page 1, 0002 through page 2, 0010).

Brody et al. further disclose:

- Providing an anonymous user interface: (see at least page 5, 0037; page 7, 0048).
- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).
- Communicating the anonymous data from second profile: communicates anonymous data to merchant (see at least page 2, 0014, 0035).

- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).
- Accessing over secure communication path: (see at least page 6, 0041).
- Concurrently displaying: merchant's web page and interactive pop-up applet or payment panel to facilitate the generation or use of an anonymous card (please note examiner's interpretation: pop-up applet or payment panel provides options to the customer (see at least page 7, 0048-0049).

2. Claims 6-10 are rejected under 35 USC 102(e) as being anticipated by Brody et al. (Paper #5, patent application publication 2001/0029485).

Brody et al. teach all the limitations of Claims 6-10. For example, Brody et al. disclose a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction server via the Internet communicating with online merchants (please see at least

abstract; page 1, 0002 through page 2, 0010). Brody et al. disclose an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile data. Brody et al. further disclose:

- Providing an anonymous user interface: (see at least page 5, 0037; page 7, 0048).
- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).
- Communicating the anonymous data from second profile: communicates anonymous data to merchant (see at least page 2, 0014, 0035).
- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).
- Accessing over secure communication path: (see at least page 6, 0041).

- Concurrent display: merchant's web page and interactive pop-up applet or payment panel to facilitate the generation or use of an anonymous card (please note examiner's interpretation: pop-up applet or payment panel provides options to the customer (see at least page 7, 0048-0049).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3. Claims 11-15 are rejected under 35 USC 103(a) as being unpatentable over Brody et al. (Paper #5, patent application publication 2001/0029485), in view of Nelson (patent number 6,058,381).**

Brody et al. teach a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction server via the Internet communicating with online merchants (please see at least abstract; page 1, 0002 through page 2, 0010). Brody et al. teach an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile data. Brody et al. further teach:

- Providing an anonymous user interface: (see at least page 5, 0037; page 7, 0048).
- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).

- Communicating the anonymous data from second profile: communicates anonymous data to merchant (see at least page 2, 0014, 0035).
- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).
- Accessing over secure communication path: (see at least page 6, 0041).
- Concurrent display: merchant's web page and interactive pop-up applet or payment panel to facilitate the generation or use of an anonymous card (please note examiner's interpretation: pop-up applet or payment panel provides options to the customer (see at least page 7, 0048-0049).
- First profile is stored locally on a user terminal, data associated with the user:

Brody et al. teach all the above as noted under the 103(a) rejection and teach a) browser cookies, b) using cookies to store information on a user's computer, c) cookies containing any arbitrary information, d) cookies containing information to authenticate or identify a registered user

of a web site without requiring them to sign in again every time they access the site, and e) user cookies used to facilitate communication between the merchant and the anonymous transaction server (see at least page 7, 0047). Brody et al., however, do not specifically disclose information stored in the cookie in the user's terminal containing the user's profile. Nelson teaches electronic shopping, anonymous payment (e.g. DigiCash), and the use of cookies. Nelson teaches the capability to transfer cookies having become a hidden and almost ubiquitous feature provided by modern communications software like servers and browsers. Nelson teaches cookies being stored on the user's system (e.g. in a directory controlled by the particular browser software that the purchaser is using). Nelson further teaches putting money or credit information into a cookie as a suitable way to remind a grantor of a user's credit status. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Brody et al. to include a user's credit or money information in a cookie stored on the user's terminal as taught by Nelson, in order to provide user profile information useful to the online service.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

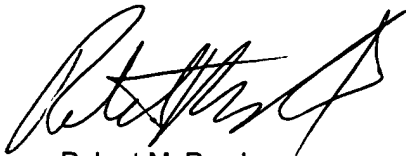
Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', with a stylized flourish at the end.

Robert M. Pond
Patent Examiner
November 17, 2004